



# UNITED STATES PATENT AND TRADEMARK OFFICE

*A*  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/055,379      | 01/25/2002  | Mikio Watanabe       | 0879-0372P          | 7570             |

2292 7590 07/22/2005

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

|          |
|----------|
| EXAMINER |
|----------|

BATES, KEVIN T

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2155

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/055,379

Applicant(s)

WATANABE, MIKIO

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8-28-03</u> . | 6) <input type="checkbox"/> Other: _____  |

*RD*

### DETAILED ACTION

This Office Action is in response to a communication made on January 25, 2001.

The Foreign Priority Documents were received on January 25, 2001.

The Information Disclosure Statement was received on August 28, 2003.

Claims 1-14 are pending in this application.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright (6721802).

Regarding claim 1, Wright teaches an image transmitting method for transmitting an image from a client computer to a service server (Column 3, lines 40 – 45), the method comprising: selecting the image to be transmitted (Column 10, lines 32 – 34); obtaining image information limited by a destination service server (Column 4, lines 10 – 16); determining whether the selected image has image information suitable for the limited image information; performing image processing such that image information of the selected image is suitable for the limited image information when the image information of the selected image is unsuitable for the limited image information; and

Art Unit: 2155

transmitting the selected image to the service server without any processing when the selected image has image information suitable for the limited image information, and transmitting to the service server the selected image being subjected to image processing when the image information is unsuitable for the limited image information (Column 3, lines 50 – 58).

Regarding claim 7, Wright teaches that the client computer inquires image information limited by the destination service server prior to transmission of the selected image, and the client computer obtains the limited image information from the service server (Column 4, lines 4 – 16).

Regarding claim 13, Wright teaches an image transmitting system for transmitting an image from a client computer to a service server (Column 3, lines 40 – 45), the system comprising: the client computer comprising: an image selecting device which selects the image to be transmitted (Column 10, lines 32 – 34); an image information obtaining device which obtains image information limited by a destination service server (Column 4, lines 10 – 16); a determining device which determines whether image information of an image selected by the image selecting device is suitable for image information obtained by the image information obtaining device; an image processing device which processes the selected image such that image information of the selected image is suitable for the limited image information when image information of the selected image is unsuitable for the limited image information; and a device which transmits a selected image to the service server without any processing when image information of the selected image is suitable for the limited

Art Unit: 2155

image information, and which transmits to the service server the selected image processed by the image processing device when the image information is unsuitable for the limited image information (Column 3, lines 50 – 58); and the service server comprising: an image information storing device which stores image information limited by the service server; a device which transmits image information stored in the image information storing device to the client computer in response to request for obtaining image information from the client computer (Column 4, lines 4 – 16); and a device which receives a selected image transmitted from the client computer and performs image service on the selected image (Column 10, lines 38 – 42).

Regarding claims 3 and 9, Wright discloses that the client computer starts predetermined image display programs to offer a list of images on a display (Column 10, lines 32 – 34), and the client computer displays a variety of menu buttons based (Column 4, lines 20 – 25, where a browser add-on and a java applet have menu buttons to interface with users) on menu button information corresponding to various service servers (Column 10, lines 38 – 42, where the image is uploaded to the server and many services can be used with that image such as items sales and auctions); the image to be transmitted is selected from the list of images by using a pointing device (Column 10, lines 20 – 21); and a desired menu button is selected from the variety of menu buttons so that access is made to a service server corresponding to the selected menu button (Column 10, lines 38 – 42; Column 11, lines 7 – 12), where the image is uploaded to the server and many services can be used with that image such as items sales and auctions based on user specifics).

Art Unit: 2155

Regarding claims 5 and 11, Wright discloses that the image information limited by the destination service server is included in menu button information corresponding to the service server (Column 4, lines 46 – 55).

Regarding claims 2, 4, 6, 8, 10, 12, and 14, Wright teaches that the image information includes at least one of an image size, a file size, compressibility, an image format, and an image aspect ratio (Column 3, lines 62 – 63).

### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6115739 issued to Ogawa, because it discloses a client selecting an image and uploading to an image server.

U. S. Patent No. 6205475 issued to Pitts, because it discloses handling images and changing settings.

U. S. Patent No. 5708826 issued to Ikeda, because it discloses uploading and processing a plurality of images.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB  
July 18, 2005

  
SALEH NAJJAR  
PRIMARY EXAMINER